

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2371

Introduced by Assembly Member Mullin

February 21, 2014

An act to amend Sections 41802 and 41821 of, to add Article 2.5 (commencing with Section 41513) to Chapter 3.5 of Part 2 of Division 30 of, and to repeal Section 41514 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2371, as amended, Mullin. Solid waste: household hazardous waste.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction's household hazardous waste element.

This bill would require each jurisdiction, subject to those requirements, no later than January 1, 2016, to review its household hazardous waste element and program to determine its effectiveness in the collection, recycling, treatment, and disposal of household hazardous waste, as prescribed. The bill would further require the department, on or before January 1, 2017, to submit a report to the Legislature that

analyzes the effectiveness of the state's household hazardous waste management system, including specified information. The bill would require, as a condition of approval of a household hazardous waste element, that the local agency demonstrate that it will give priority to methods that make the recycling and disposal of household hazardous waste more convenient, *as defined*, for the public. The bill would make changes relating to the annual reporting of a jurisdiction's methods and programs for the recycling and disposing of household hazardous waste. By imposing new duties on cities and counties with regard to the review of its household waste reduction and recycling element, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2.5 (commencing with Section 41513) is
2 added to Chapter 3.5 of Part 2 of Division 30 of the Public
3 Resources Code, to read:

4
5 Article 2.5. Household Hazardous Waste Reporting
6

7 41513. (a) Each jurisdiction subject to the requirements of
8 Section 41500 or 41510 shall, no later than January 1, 2016, review
9 its household waste element and program to determine its
10 effectiveness in the collection, recycling, treatment, and disposal
11 of household hazardous waste. The jurisdiction shall consider
12 information it submits annually to the department pursuant to
13 Article 6.3 (commencing with Section 18750) of Chapter 9 of
14 Division 7 of Title 14 of the California Code of Regulations, and
15 any other information it deems appropriate.

16 (b) The jurisdiction's review shall do all of the following:

17 (1) Analyze the extent to which its household hazardous waste
18 program is convenient to the public.

1 (2) Identify barriers to the convenient recycling and disposal of
2 household hazardous waste.

3 (3) Identify feasible methods to overcome those barriers and
4 ~~increase the convenience~~ *make it more convenient, as described*
5 *in subdivision (d)*, for the public to recycle and dispose of
6 household hazardous waste in a safe and legal manner.

7 (c) Each jurisdiction shall include the findings from its review
8 in the first report it submits to the department on or after January
9 1, 2016, pursuant to Section 41821.

10 (d) *For purposes of this article, “more convenient” means a*
11 *measure to improve the opportunity for residential customers to*
12 *properly recycle or dispose of household hazardous waste,*
13 *including, but not limited to, increased availability or ease of*
14 *access to household hazardous waste collection centers or*
15 *collection events, the availability of door-to-door or curbside*
16 *collection services, and other measures that will demonstrably*
17 *increase the amount of household hazardous waste properly*
18 *managed, as determined by jurisdictions or the department,*
19 *pursuant to this article.*

20 41514. (a) On or before January 1, 2017, the department shall
21 submit a report to the Legislature, in the matter provided in Section
22 9795 of the Government Code, that analyzes the effectiveness of
23 the state’s household hazardous waste management system,
24 including, but not limited to, rates of collection and recycling of
25 household hazardous waste, and identifies all of the following:

26 (1) Barriers to increased recycling of household hazardous
27 waste.

28 (2) Disincentives to the legal disposal of household hazardous
29 waste.

30 (3) The extent to which methods and programs have been
31 implemented in the state to reduce disincentives to the legal
32 disposal of household hazardous waste.

33 (4) The role that convenience for the public plays in increasing
34 rates of collection and disposal of household hazardous waste in
35 a safe and legal manner.

36 (5) Recommendations to increase the safe, legal, and convenient
37 collection and disposal of household hazardous waste.

38 (b) This section is repealed on January 1, 2019 pursuant to
39 Section 10231.5 of the Government Code.

SEC. 2. Section 41802 of the Public Resources Code is amended to read:

41802. (a) Within 120 days from the date of receipt of a household hazardous waste element, the department shall approve or disapprove the element.

(b) The department shall not disapprove a household hazardous waste element if the local agency preparing the element demonstrates to the department that, in implementing the household hazardous waste element, the local agency will comply with all of the following requirements:

(1) The local agency will use feasible methods to properly reduce, collect, recycle, treat, and dispose of household hazardous waste generated within its jurisdiction.

(2) The local agency will give priority to those methods that make recycling and disposal of household hazardous waste more convenient for the public.

(3) The local agency will devote reasonable expenditures to the safe reduction, collection, recycling, treatment, and disposal of household hazardous waste, relative to the other expenditures required by this division, and relative to the expenditures for household hazardous waste programs that were awarded grants of funds pursuant to Section 46401 as it read on January 1, 1993.

(4) The local agency will make all reasonable efforts to inform the public of, and to encourage public participation in, the household hazardous waste program.

(5) Regardless of the number of household hazardous waste collection events held each year by a local agency, or the actual number of households served, the collection program is available for use by all households within the jurisdiction of the local agency, and provides a safe alternative for all residents within the jurisdiction of the local agency to properly and safely dispose of household hazardous waste.

(c) (1) In determining whether a local agency meets the conditions for approval of a household hazardous waste element set forth in subdivision (b), the department shall consider the geographic size and population of the city or county and the quantity of household hazardous waste generated within the jurisdiction of the city or county.

(2) The department may provide an exemption from the requirements of subdivision (b) if a city, county, or a regional

1 agency demonstrates, and the department concurs, that compliance
2 with those requirements is not feasible due to the small geographic
3 size of the city, county, or regional agency and the small quantity
4 of solid waste generated within the city, county, or regional agency.
5 The department may establish alternative, but less comprehensive,
6 requirements for those cities, counties, or regional agencies to
7 ensure compliance with this division.

8 SEC. 3. Section 41821 of the Public Resources Code is
9 amended to read:

10 41821. (a) (1) Each year following the department's approval
11 of a jurisdiction's source reduction and recycling element,
12 household hazardous waste element, and nondisposal facility
13 element, the jurisdiction shall submit a report to the department
14 summarizing its progress in reducing solid waste as required by
15 Section 41780, in accordance with the schedule set forth in this
16 subdivision.

17 (2) The annual report shall be due on or before August 1 of the
18 year following department approval of the source reduction and
19 recycling element, the household hazardous waste element, and
20 the nondisposal facility element, and on or before August 1 in each
21 subsequent year. The information in this report shall encompass
22 the previous calendar year, January 1 to December 31, inclusive.

23 (b) Each jurisdiction's annual report to the department shall, at
24 a minimum, include the following:

25 (1) Calculations of annual disposal reduction.

26 (2) A summary of progress made in implementing the source
27 reduction and recycling element and the household hazardous
28 waste element.

29 (3) An update of the jurisdiction's source reduction and
30 recycling element to include any new or expanded programs the
31 jurisdiction has implemented or plans to implement.

32 (4) An update on the jurisdiction's household hazardous waste
33 element, including, but not limited to, findings included in the
34 review produced pursuant to Section 41513 and new methods or
35 programs the jurisdiction has implemented to increase the
36 convenience of the public to recycle and dispose of household
37 hazardous waste in a safe and legal manner.

38 (5) An update of the jurisdiction's nondisposal facility element
39 to reflect any new or expanded nondisposal facilities the
40 jurisdiction is using or planning to use.

1 (6) A summary of progress made in diversion of construction
2 and demolition of waste material, including information on
3 programs and ordinances implemented by the local government
4 and quantitative data, where available.

5 (7) Other information relevant to compliance with Section
6 41780.

7 (c) A jurisdiction may also include, in the report required by
8 this section, all of the following:

9 (1) Information on disposal reported pursuant to Section 41821.5
10 that the jurisdiction believes may be relevant to the department's
11 determination of the jurisdiction's per capita disposal rate.

12 (2) Disposal characterization studies or other completed studies
13 that show the effectiveness of the programs being implemented.

14 (3) Factors that the jurisdiction believes would affect the
15 accuracy of, or mitigate the amount of, solid waste disposed by
16 the jurisdiction, including, but not limited to, either of the
17 following:

18 (A) Whether the jurisdiction hosts a solid waste facility or
19 regional diversion facility.

20 (B) The effects of self-hauled waste and construction and
21 demolition waste.

22 (4) The extent to which the jurisdiction previously relied on
23 biomass diversion credit and the extent to which it may be impacted
24 by the lack of the credit.

25 (5) Information regarding the programs the jurisdiction is
26 undertaking to address specific disposal challenges, and why it is
27 not feasible to implement programs to respond to other factors that
28 affect the amount of waste that is disposed.

29 (6) Other information that describes the good faith efforts of
30 the jurisdiction to comply with Section 41780.

31 (d) The department shall use, but is not limited to the use of,
32 the annual report in the determination of whether the jurisdiction's
33 source reduction and recycling element needs to be revised or
34 updated.

35 (e) (1) The department shall adopt procedures for requiring
36 additional information in a jurisdiction's annual report. The
37 procedures shall require the department to notify a jurisdiction of
38 any additional required information no later than 120 days after
39 the department receives the report from the jurisdiction.

1 (2) Paragraph (1) does not prohibit the department from making
2 additional requests for information in a timely manner. A
3 jurisdiction receiving a request for information shall respond in a
4 timely manner.

5 (3) If the schedule for the submission of an annual report by a
6 jurisdiction does not correspond with the scheduled review by the
7 department specified in subdivision (a) of Section 41825, the
8 department shall utilize the information contained in the annual
9 report to assist the department in providing technical assistance
10 and reviewing the jurisdiction's diversion program implementation.

11 (f) The department shall adopt procedures for conferring with
12 a jurisdiction regarding the implementation of its diversion
13 programs.

14 (g) Notwithstanding the Uniform Electronic Transactions Act
15 (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division
16 3 of the Civil Code), a jurisdiction shall submit the progress report
17 required by this section to the department electronically, using the
18 department's electronic reporting format system.

19 (h) Notwithstanding the reporting schedule required by this
20 section, and in addition to the review required by Section 41825,
21 the board shall visit each jurisdiction not less than once each year
22 to monitor the jurisdiction's implementation and maintenance of
23 its diversion programs.

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 a local agency or school district has the authority to levy service
27 charges, fees, or assessments sufficient to pay for the program or
28 level of service mandated by this act, within the meaning of Section
29 17556 of the Government Code.